

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODERICOL A. MURPHY,

Petitioner,

v.

CASE NO. 2:06-cv-11118
HONORABLE AVERN COHN

KENNETH McKEE,

Respondent.

/

ORDER GRANTING PETITIONER'S MOTION TO AMEND

This is a habeas case under 28 U.S.C. § 2254. The habeas petition attacks Petitioner's state convictions for armed robbery and weapon offenses. The grounds for relief allege prosecutorial misconduct and ineffective assistance of trial counsel.

Before the Court is Petitioner's motion to amend the petition to allege an additional claim of prosecutorial misconduct. "A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served . . ." Fed. R. Civ. P. 15(a). Leave to amend "shall be freely given when justice so requires." *Id.* Accordingly, Petitioner's motion to amend is GRANTED. Petitioner shall have **sixty (60) days** from the date of this order in which to file a brief in support of his new claim.

Respondent's answer to the petition shall remain due on September 29, 2006, as provided in the Order Requiring Responsive Pleading, filed March 24, 2006.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: May 3, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 3, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
(313) 234-5160